ALASKA CENTER FOR THE ENVIRONMENT □ ALASKA CONSERVATION ALLIANCE □ ALASKA CONSERVATION VOICE □ ALASKA RAINFOREST CAMPAIGN □ CAMPAIGN TO SAFEGUARD AMERICA'S WATERS □ COOK INLET KEEPER □ KACHEMAK BAY CONSERVATION SOCIETY □ NATIVE VILLAGE OF PORT GRAHAM □ NORTHERN ALASKA ENVIRONMENTAL CENTER □ SIERRA CLUB-ALASKA CHAPTER □ SITKA CONSERVATION SOCIETY □ SOUTHEAST ALASKA CONSERVATION COUNCIL □ THE WILDERNESS SOCIETY

SUBMITTED VIA DMS.DOT.GOV &
EMAIL (bpatnaik@comdt.uscg.mil)

October 28, 2003

Docket Management Facility
U.S. Dept. of Transportation, Room PL-401
400 Seventh Street SW
Washington, D.C. 20590-0001

RE: COMMENTS ON "MANDATORY BALLAST WATER MANAGEMENT PROGRAM FOR U.S. WATERS," USCG-2003-14273

Dear Sir/Madam:

INTRODUCTION

The undersigned groups represent thousands of Alaskans who support sustainable economic development and healthy marine ecosystems. Please accept these comments on behalf of these groups on the above-referenced proposed rule, which would amend 33 CFR § 151 to implement the requirements of the National Invasive Species Act of 1996 ("NISA"), and to pursue the laudable goals set out in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 ("NANPCA").

COMMENTS

1. The Alaska Situation

Ballast water management – and effective controls for nonindigenous species ("NIS") – pose vexing problems for shippers, regulators and coastal

communities. Like many regulatory matters, the myriad issues surround ballast water management can be reduced to two related common denominators: cost and logistical feasibility. In this context, commentors recognize that any mandatory ballast water management scheme will likely entail additional direct costs for shippers. At the same time, however, the USCG must consider the costs to local communities and local ecosystems if NIS continue to gain a foothold in Alaskan waters. While the Notice of Proposed Rule Making cites numerous studies attempting to quantify the financial impacts to local areas from NIS, the true scope of NIS impacts – to local ecosystems and the people and communities who rely on them – are virtually incalculable.

Compared to many areas in the Lower 48, Alaska retains many relatively intact marine ecosystems. Yet Alaska is particularly susceptible to the adverse effects associated with the introduction of nonindigenous species ("NIS"). For example, numerous oil tankers and cargo vessels – in Prince William Sound, Cook Inlet, and elsewhere - regularly discharge ballast water drawn from beyond and within the U.S. Exclusive Economic Zone ("EEZ"). In fact, recent studies in Prince William Sound and Cook Inlet show a disturbing array of nonindigenous species in some of the state's most important marine ecosystems.[1] These marine areas support important commercial, sport and subsistence fisheries, which are the lifeblood of coastal Alaska. While the sources of these NIS can be debated, the most likely vector appears to be NIS-contaminated ballast water. Accordingly, effective ballast water management and reporting are critical to maintaining the ecological and economic well-being of coastal Alaska.

2. Data Collection & Information Management

Like all successful management regimes, the successful management of nonindigenous species will hinge on timely and accurate information. Yet the existing mandatory reporting requirements for ballast water discharge have been woefully inadequate to provide citizens and regulators with accurate information on the volume, source, composition and location of such discharges. In Cook Inlet, that problem has recently been documented in a draft report prepared for the Cook Inlet Regional Citizens Advisory council ("CIRCAC").[2] The USCG's increasing efforts to

[1] *See Marine Invasive Species and Biodiversity of South Central Alaska*, Smithsonian Environmental Research Center, 2000; *Biological Invasions of Cold-Water Coastal Ecosystems: Ballast-Mediated Introductions in Port Valdez/Prince William Sound*, Alaska, Smithsonian Environmental Research Center, 2000.

[2] Tim L. Robertson & Lori Crews, *Gross Estimate of Ballast Water Discharges into Cook Inlet, Alaska*, Draft Report, prepared for the Cook Inlet Regional Citizens Advisory Council, 2003.

penalize non-reporters is laudable, but it must also be met with the agency resources and commitment necessary to make it work.

3. Coastwise Trade

Perhaps the most pressing issue raised by the proposed rule involves coastwise trade. Although this issue has been debated since before the passage of the NANPCA in 1990, the proposed rule would perpetuate this problem in two important ways. First, the proposed rules fails to recognize that species indigenous to other U.S. ports on not indigenous to Alaska, and as a result, they can invade Alaskan waters with potentially serious economic and ecological effects. Second, the proposed rule ignores the fact that many U.S. ports already experience high levels of NIS from overseas, and that such NIS can be transported to Alaska via ballast water from U.S. ports. Together, these two issues illuminate a central, major weakness in the proposed rules.

RECOMMENDATIONS

In light of the information available on NIS concerns, and the growing awareness that NIS threaten the economic and ecological well-being of communities throughout coastal Alaska, the undersigned groups make the following recommendations:

1. Apply the proposed rule to vessels transiting within the U.S. Exclusive Economic Zone (i.e. between U.S. ports), by adopting scientifically-based minimum offshore ballast water exchange depths and/or distances until technology-based solutions are developed pursuant to recommendations 3 & 4.

2. Ensure penalties for inaccurate reporting or failing to report ballast water discharge information which are sufficient to deter infractions, and which promote a timely, reliable and publicly accessible database of ballast water discharge in Alaska and nationwide.

3. Provide financial incentives to shippers and local governments to explore and test ballast water management strategies which remove NIS from discharges to local ecosystems.

4. Establish a discrete schedule for meeting a zero-discharge standard for NIS-contaminated ballast water discharged to all waters of the U.S.

CONCLUSION

Thank you for considering these comments. In light of Alaska's unique situation regarding ballast water and invasive species, we sincerely hope the final will take serious strides to curb NIS introductions in Alaska. If you have questions or comments regarding the issues raised above, please feel free to contact me at: Cook Inlet Keeper, P.O. Box 3269, Homer, AK 99603; (907) 235-4068 ext 22; keeper@inletkeeper.org.

Very truly yours,

Bob Shavelson
Cook Inlet Keeper

Signed on behalf of the following individuals and groups:

Randy Virgin, Executive Director
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Tom Atkinson, Executive Director
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Brian McNitt
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Roberta Highland, President
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Chief Patrick Norman
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